

Attorney Docket No. 5405-232DV

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Amalfitano et al.  
Serial No.: 09/972,794  
Filed: October 5, 2001  
For: DELETED ADENOVIRUS VECTORS AND METHODS OF MAKING  
AND ADMINISTERING THE SAME

Group: 1632  
Examiner: Nguyen  
Confirmation No. 5221

October 14, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER  
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Also enclosed is a check in the amount of \$110 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 50-0220 for any additional fee which may be required or credit any overpayment.

Respectfully submitted,

*Karen Magri*  
Karen A. Magri  
Registration No. 41,965

**Customer No. 20792**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number: EV318418285US

Date of Deposit: October 14, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Sloan Smith*  
Sloan Smith



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**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)**

Sir:

I, Karen A. Magri, am an attorney of record of the disclaimant, Duke University, and am authorized to execute this disclaimer on behalf of Duke University. The disclaimant, Duke University, an educational institution having a principal place of business at Erwin Road, County of Durham, State of North Carolina, is the owner of all right, title, and interest in the above-identified application.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Application Serial No. 09/384,749 (now U.S. Patent No. 6,328,958), filed August 27, 1999, entitled *Deleted Adenovirus Vectors and Methods of Making and Administering the Same*.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal titles to United States Application Serial No. 09/384,749 (now U.S. Patent No. 6,328,958), filed August 27, 1999, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of United States Application Serial No. 09/384,749 (now U.S.

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Patent No. 6,328,958), filed August 27, 1999, in the event it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

  
Karen A. Magri  
Registration No. 41,965

**Customer No. 20792**

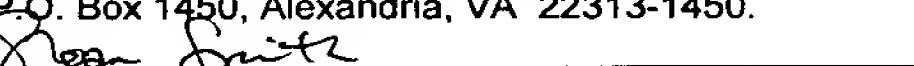
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Sloan Smith